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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,392	12/22/2000	Fei Xie	019717-004100US	9440

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CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA, CA 91105

EXAMINER

PAN, YUWEN

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 02/10/2004

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,392

Applicant(s)

XIE, FEI

Examiner

Yuwen Pan

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election without traverse of claims 1-7 in Paper No. 12 is acknowledged.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig (US006243594B1) in view of Kermani (US006526128B1).

With respect to claim 1, Silberfenig discloses a mobile set having a voice recording means for storing voice conversation received through the mobile set and capable of play back on the mobile set, the mobile set comprising: a uplink/downlink switch for selecting speech from either a uplink or downlink signal; at least one switching logic controller for switching between uplink and downlink signals; a recording means for configuring and controlling of a recorder operation in one of a recorder operation in one of several modes available to a subscriber; and a memory element (see figure 1 and 2, column 3 and lines 22-42).

Silberfenig doesn't disclose a method of file header generation for generating headers for recorded speech files.

Kermani disclose a method of file header generation for generating headers for recorded speech files (see column 9 and lines 22-29).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Kermani with Silberfeig's device such that it would be easy for user to edit recorded speech file.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Silberfenig (US006243594B1) in view of Kermani (US006526128B1) as applied to claim 1 above, and further in view of Fox et al (US006064792A).

Combination of Kermani and Silberfenig doesn't disclose controlling a processor to identify speech containing time frames from at least one uplink and at least one downlink signal; and recording the speech containing time frames from said uplink and said downlink signal such that each time frame is recorded sequentially with a time stamp for each time frame.

Fox teaches controlling a processor to identify speech containing time frames from at least one uplink and at least one downlink signal; and recording the speech containing time frames from said uplink and said downlink signal such that each time frame is recorded sequentially with a time stamp for each time frame (see column 3 and lines 20-54).

It would have been obvious to one ordinary skill in the art at the time the invention was made to combine the teaching of Fox with the combination of Kermani and Silberfenig such that it would optimize the use of the limited memory and easy to play back.

With respect to claim 3, Fox further discloses that there is a processor having a buffer for storing multiple signals, and capable of assigning each time frame a logic value while sorting through signals of the same time frame (see column 10 and lines 20-41, column 11 and lines 4-23).

Allowable Subject Matter

5. Claims 4-7 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:
prior art of record does teach a method in a mobile set for determining record worthy time frame comprising receiving a first and second signal in the voice activity detector. Prior art of record doesn't teach the step of comparing the two signals, where the first and second signals have the same time stamp, and selecting having a logic value for recording; and substituting the low logic value signal with a placeholder marker for recording.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (US006421353B1) discloses mobile radiotelephone capable of recording/reproducing voice signal and method for controlling the same.


Komiya (US006510208B1) discloses telephone apparatus with audio recording function and audio recording method telephone apparatus with audio recording function.

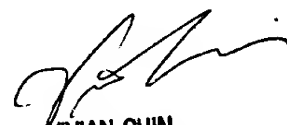
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuwen Pan whose telephone number is 703-305-7372. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yuwen Pan
February 6, 2004


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600